

## PROPOSED CONSTITUTIONAL AMENDMENTS

### PROPOSED CONSTITUTIONAL AMENDMENT—WATER RESERVOIRS

S. J. R. No. 19

Proposing an Amendment to Section 49-d, Article III of the Constitution of the State of Texas, declaring state policy regarding optimum development of water reservoirs; providing for the use of the Texas Water Development Fund under such conditions as the Legislature may prescribe by General Law in the acquisition and development of storage facilities and any system of works properly appurtenant thereto; providing for the sale, lease or transfer of such facilities under General Laws; providing for long-term contracts for water storage facilities; authorizing the issuance of an additional \$200,000,000 in bonds by the Texas Water Development Board upon a two-thirds ( $\frac{2}{3}$ ) vote of the elected members of each house; providing that anticipatory legislation shall not be invalid because of its anticipatory character; providing for the necessary election, form of ballot; and proclamation and publication.

*Be it resolved by the Legislature of the State of Texas:*

Section 1. That Section 49-d of Article III of the Constitution of the State of Texas be amended to read as follows:

"Section 49-d. It is hereby declared to be the policy of the State of Texas to encourage the optimum development of the limited number of feasible sites available for the construction or enlargement of dams and reservoirs for conservation of the public waters of the state, which waters are held in trust for the use and benefit of the public. The proceeds from the sale of the additional bonds authorized hereunder deposited in the Texas Water Development Fund and the proceeds of bonds previously authorized by Article III, Section 49-c of this Constitution, may be used by the Texas Water Development Board, under such provisions as the Legislature may prescribe by General Law, including the requirement of a permit for storage or beneficial use, for the additional purposes of acquiring and developing storage facilities, and any system or works necessary for the filtration, treatment and transportation of water from storage to points of treatment, filtration and/or distribution, including facilities for transporting water therefrom to wholesale purchasers, or for any one or more of such purposes or methods; provided, however, the Texas Water Development Fund or any other state fund provided for water development, transmission, transfer or filtration shall not be used to finance any project which contemplates or results in the removal from the basin of origin of any surface water necessary to supply the reasonably foreseeable future water requirements for the next ensuing fifty-year period within the river basin of origin, except on a temporary, interim basis.

"Under such provisions as the Legislature may prescribe by General Law the Texas Water Development Fund may be used for the conservation and development of water for useful purposes by construction or reconstruction or enlargement of reservoirs constructed or to be constructed or enlarged within the State of Texas or on any stream constituting a boundary of the State of Texas, together with any system or works necessary for the filtration, treatment and/or transportation of water, by any one or more of the following governmental agencies: by the United States of America or any agency, department or instrumentality thereof; by the State of Texas or any agency, department or instrumentality thereof; by political subdivisions or bodies politic and corporate of the state; by interstate compact commissions to which the State of Texas is a party; and by municipal corporations. The Legislature shall provide terms and

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conditions under which the Texas Water Development Board may sell, transfer or lease, in whole or in part, any reservoir and associated system or works which the Texas Water Development Board has financed in whole or in part.

"Under such provisions as the Legislature may prescribe by General Law, the Texas Water Development Board may also execute long-term contracts with the United States or any of its agencies for the acquisition and development of storage facilities in reservoirs constructed or to be constructed by the Federal Government. Such contracts when executed shall constitute general obligations of the State of Texas in the same manner and with the same effect as state bonds issued under the authority of the preceding Section 49-c of this Constitution, and the provisions in said Section 49-c with respect to payment of principal and interest on state bonds issued shall likewise apply with respect to payment of principal and interest required to be paid by such contracts. If storage facilities are acquired for a term of years, such contracts shall contain provisions for renewal that will protect the state's investment.

"The aggregate of the bonds authorized hereunder shall not exceed \$200,000,000 and shall be in addition to the aggregate of the bonds previously authorized by said Section 49-c of Article III of this Constitution. The Legislature upon two-thirds ( $\frac{2}{3}$ ) vote of the elected members of each House, may authorize the Board to issue all or any portion of such \$200,000,000 in additional bonds herein authorized.

"The Legislature shall provide terms and conditions for the Texas Water Development Board to sell, transfer or lease, in whole or in part, any acquired storage facilities or the right to use such storage facilities together with any associated system or works necessary for the filtration, treatment or transportation of water at a price not less than the direct cost of the Board in acquiring same; and the Legislature may provide terms and conditions for the Board to sell any unappropriated public waters of the state that might be stored in such facilities. As a prerequisite to the purchase of such storage or water, the applicant therefor shall have secured a valid permit from the Texas Water Commission or its successor authorizing the acquisition of such storage facilities or the water impounded therein. The money received from any sale, transfer or lease of storage facilities or associated system or works shall be used to pay principal and interest on state bonds issued or contractual obligations incurred by the Texas Water Development Board, provided that when moneys are sufficient to pay the full amount of indebtedness then outstanding and the full amount of interest to accrue thereon, any further sums received from the sale, transfer or lease of such storage facilities or associated system or works may be used for the acquisition of additional storage facilities or associated system or works or for providing financial assistance as authorized by said Section 49-c. Money received from the sale of water, which shall include standby service, may be used for the operation and maintenance of acquired facilities, and for the payment of principal and interest on debt incurred.

"Should the Legislature enact enabling laws in anticipation of the adoption of this Amendment, such Acts shall not be void by reason of their anticipatory character."

Sec. 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on the first Tuesday after the first Monday in November, 1966, at which election all ballots shall have printed thereon the following:

"FOR the Constitutional Amendment authorizing the issuance of an additional \$200,000,000 in Texas Water Development Bonds

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and providing for further investment of the Texas Water Development Fund in reservoirs and associated facilities."

"AGAINST the Constitutional Amendment authorizing the issuance of an additional \$200,000,000 in Texas Water Development Bonds and providing for further investment of the Texas Water Development Fund in reservoirs and associated facilities."

Sec. 3. The Governor of Texas shall issue the necessary proclamation for the election and this Amendment shall be published in the manner and for the length of time as required by the Constitution and laws of this state.

Passed the Senate on March 30, 1965: Yeas 28, Nays 0; Senate concurred in House amendment on May 27, 1965, by the following vote: Yeas 26, Nays 2; passed the House on May 26, 1965, with amendment: Yeas 106, Nays 40.

Signed by the Governor June 1, 1965.

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## PROPOSED CONSTITUTIONAL AMENDMENT— INSTITUTIONS OF HIGHER LEARNING— PERMANENT IMPROVEMENTS

S. J. R. No. 24

Proposing an Amendment to the Constitution of the State of Texas by amending Article VII, Section 17, providing a method of payment for the acquiring, constructing and equipping of buildings and other permanent improvements at certain state institutions of higher learning; providing for allocation of funds therefor; authorizing the issuance of bonds or notes and the pledging of allotted funds for the payment of same; providing for an election and the issuance of a proclamation therefor.

*Be it resolved by the Legislature of the State of Texas:*

Section 1. That Section 17 of Article VII of the Constitution of the State of Texas be amended so as to hereafter read as follows:

"Section 17. In lieu of the state ad valorem tax on property of Seven Cents (7¢) on the One Hundred Dollars (\$100.00) valuation heretofore permitted to be levied by Section 51 of Article III, as amended, there is hereby levied, in addition to all other taxes permitted by the Constitution of Texas, a state ad valorem tax on property of Two Cents (2¢) on the One Hundred Dollars (\$100.00) valuation for the purpose of creating a special fund for the continuing payment of Confederate pensions as provided under Section 51, Article III, and for the establishment and continued maintenance of the State Building Fund as provided in Section 51b, Article III, of the Constitution.

"Also, there is hereby levied, in addition to all other taxes permitted by the Constitution of Texas, a state ad valorem tax on property of Ten Cents (10¢) on the One Hundred Dollars (\$100.00) valuation for the purpose of creating a special fund for the purpose of acquiring, constructing and initially equipping buildings or other permanent improvements at the designated institutions of higher learning provided that none of the proceeds of this tax shall be used for auxiliary enterprises; and the governing board of each such institution of higher learning is fully authorized to pledge all or any part of said funds allotted to such institu-